

### REMARKS

At the outset, Applicant respectfully notes that a PCT Article 19 amendment was submitted that amended claims 1-35 to claims 1-27 prior to entry into the U.S. national phase. Applicant respectfully requests entry of the claims as amended in the PCT Article 19 amendment.

In this regard, the listing to the claims represents the claims as amended in the PCT article 19 amendment. As such, references to claims numbers below refer to the claims as amended in the PCT article 19 amendment unless specifically noted otherwise.

Reconsideration of this application is respectfully requested. Claims 1-27 are in this application and are presented for the Examiner's consideration in view of the following comments.

For the purposes of this Office Action, Applicant will consider that claims 1-27 have been rejected under 35 U.S.C. §103(a) as being unpatentable over WO 02/089371 (*Chen*) in view of U.S. Patent No. 7,499,407 issues to Jaffe et al. (*Jaffe*). Applicant respectfully disagrees.

Applicant's independent claims 1, 10, 16 and 19 all require using soft decisions to generate a carrier. Simply put, *Chen* does not use soft decisions to generate a carrier as claimed by Applicant. This is clearly shown in FIG. 4B of *Chen* reproduced below.

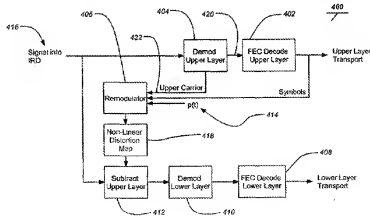


FIG. 4B

In particular, the soft decisions, i.e., the recovered symbols are provided by element 402 of FIG. 4B of *Chen*. However, the upper carrier is provided by element 404 without regard to the symbols provided by element 402. As such, *Chen* does not describe, or show, using soft decisions to generate a carrier that is then used to recover the other layer as claimed by Applicant.

Nor does *Jaffe* remedy this defect in *Chen*. Nowhere does *Jaffe* describe, or suggest, suggest using soft decisions to generate a carrier as claimed by Applicant.

In view of the above, Applicant respectfully submits that independent claims 1, 10, 16 and 19 are patentable over *Chen* in view of *Jaffe*. As such, respective dependent claims 2-9, 11-15, 17-18 and 20-27, are also in condition for allowance.

As it is believed that all of the objections set forth in the Official Action have been fully met, favorable reconsideration and allowance are earnestly solicited. If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that the Examiner telephone Applicant's attorney in order to overcome any additional objections that the Examiner might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 07-0832 therefor.

Respectfully submitted  
Joshua Lawrence Koslov

By           /Joseph J. Opalach/          

Joseph J. Opalach  
Registration No.: 36,229  
(609) 734-6839

Patent Operations  
Thomson Licensing LLC.  
P.O. Box 5312  
Princeton, New Jersey 08543-5312  
August 26, 2009